

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1297

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend Section 7151.15 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL’S DIGEST

AB 1297, as amended, John A. Pérez. Coroners: organ donation.

Existing law requires a coroner to cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. Existing law requires a coroner or designee to conduct a post mortem examination of a body or part that is available for or has been donated to a procurement organization in a manner and within a period compatible with the body or part’s preservation for the purposes of the gift.

This bill would impose a state-mandated local program by requiring a coroner to conduct a post mortem investigation in a manner and time period compatible with the preservation of the body or part for the purposes of the gift.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts

may pursue any available remedies to seek reimbursement for these costs.

~~Existing law requires the application for an original or renewal driver's license or identification card to contain a space for the applicant to enroll in the Donate Life California Organ and Tissue Donor Registry and requires the Department of Motor Vehicles, on a weekly basis, to electronically transmit to Donate Life California, a nonprofit organization established and designated as the California Organ and Tissue Donor Registrar, specified information on applicants that enroll in the organ donation program.~~

~~This bill would state the intent of the Legislature to enact legislation that would codify the process to be followed by coroners and organ procurement organizations for donation of organs after cardiac death.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7151.15 of the Health and Safety Code
- 2 is amended to read:
- 3 7151.15. (a) A county coroner shall cooperate with
- 4 procurement organizations to maximize the opportunity to recover
- 5 anatomical gifts for the purpose of transplantation, therapy,
- 6 research, or education.
- 7 (b) If a county coroner receives notice from a procurement
- 8 organization that an anatomical gift might be available or was
- 9 made with respect to a decedent whose body is under the
- 10 jurisdiction of the coroner and a post mortem examination *or*
- 11 *investigation* is going to be performed, unless the coroner denies
- 12 recovery in accordance with Section 7151.20, the coroner or
- 13 designee shall conduct a post mortem examination *or investigation*
- 14 of the body or the part in a manner and within a period compatible
- 15 with its preservation for the purposes of the gift.
- 16 (c) A part shall not be removed from the body of a decedent
- 17 under the jurisdiction of a coroner for transplantation, therapy,
- 18 research, or education unless the part is the subject of an anatomical
- 19 gift. The body of a decedent under the jurisdiction of the coroner
- 20 shall not be delivered to a person for research or education unless
- 21 the body is the subject of an anatomical gift. This subdivision does
- 22 not preclude a coroner from performing the medico legal

1 investigation upon the body or parts of a decedent under the
2 jurisdiction of the coroner.

3 *SEC. 2. No reimbursement shall be made pursuant to Part 7*
4 *(commencing with Section 17500) of Division 4 of Title 2 of the*
5 *Government Code for costs mandated by the state pursuant to this*
6 *act. It is recognized, however, that a local agency or school district*
7 *may pursue any remedies to obtain reimbursement available to it*
8 *under Part 7 (commencing with Section 17500) and any other*
9 *provisions of law.*

10 ~~SECTION 1. It is the intent of the Legislature to enact~~
11 ~~legislation that would codify the process to be followed by coroners~~
12 ~~and organ procurement organizations for donation of organs after~~
13 ~~cardiac death.~~